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Confirmation Number	5290
Filing Date	07/06/2001
First Named Inventor	Charles William Norman
Art Unit	2665
Examiner Name	Steven H.D. Nguyen
Total Number of Pages in This Submission	6
Attorney Docket Number	1226a

ENCLOSURES *(check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment / Reply
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  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
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Remarks **It is believed that no fees are due in this matter. However, if it is determined that fees are due, the Commissioner is authorized to debit Deposit Account No. 210765 for the required fees.**

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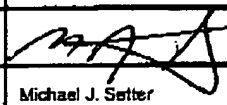
Signature			
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Practitioner's Docket No. 1226a **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Charles William Norman
Application No.: 09/899,583 Group No.: 2665
Filed: 07/06/01 Examiner: Steven H. D. Nguyen

For: Method and System for Transporting a Secondary Communication Signal with a Primary Communication Signal

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Reply Brief

Appellant makes two points in reply to the Examiner's Answer.

1. The "Response to Argument" section of the Examiner's Answer (section 10) states with respect to the Appeal Brief:

> "In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. receiving an original SDH/SONET signal, terminated overhead such RSOH/SOH and MSOH/LOH in the original SDH/SONET signal and transferred terminated overhead, so the original SDH/SONET signal can be replicated down stream) are not recited in the rejected claim(s)."

Thus, the Examiner's Answer asserts that Appellant is arguing unclaimed features to distinguish the prior art. **This assertion is clearly incorrect and misrepresents the**

claims. The following table compares the exact text of the Appellant's argument from the Appeal Brief to the exact text of claim 41.

APPEAL BRIEF	CLAIM 41
Claims 41-42 and 44-45 require that a first adaptor assembly receive an SDH signal and terminate the RSOH and MSOH information in the SDH signal.	41. A method of operating a Synchronous Digital Hierarchy (SDH) system, the method comprising: ***receiving a first SDH signal into a first adaptor assembly,*** wherein the first SDH signal has regenerator section overhead information, multiplexer section overhead information, and a payload; ***in the first adaptor assembly, terminating the regenerator section overhead information and the multiplexer section overhead information in the first SDH signal***; (emphasis added)
The first adaptor assembly transfers the payload and the ***terminated*** RSOH and MSOH.	***transferring the terminated regenerator section overhead information, the terminated multiplexer section overhead information, and the payload from the first adaptor assembly***; (emphasis added)
A second adaptor assembly receives the payload and the ***terminated*** RSOH and MSOH.	***receiving the terminated regenerator section overhead information, the terminated multiplexer section overhead information, and the payload into a second adaptor assembly***; (emphasis added)

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The second adaptor assembly generates another SDH signal having the payload and the ***terminated*** RSOH and MSOH ... Thus, the original signal can be replicated downstream.	***in the second adaptor assembly, generating a second SDH signal having the terminated regenerator section overhead information, the terminated multiplexer section overhead information, and the payload***; and transferring the second SDH signal from the second adaptor assembly.

The limitations that the Appellant relies on in the Appeal Brief ***are clearly present*** in the claims, and thus, this section of the Examiner's Answer is completely and totally without merit.

2. The "Response to Argument" section of the Examiner's Answer also states that Furuta teaches the transfer of ***terminated*** overhead. **This assertion is clearly incorrect and misrepresents the prior art.** In SONET and SDH, a device "terminates" overhead by: 1) retrieving the overhead data from the overhead data fields, 2) processing the overhead data to facilitate network operations, 3) generating new overhead data, and 4) loading the new overhead data into the overhead data fields. Furuta never mentions overhead termination or otherwise describes the operations of steps 2, 3, 4 that entail overhead termination.

Furuta is directed to the location and inspection of the Path Overhead (POH). (See Furuta, column 1, lines 25-30). To inspect the POH, interface 30a removes the RSOH/MSOH information from the SDH signal, and interface 30b adds the RSOH/MSOH information back to the SDH signal. (See Furuta, column 4, line 53 to column 5, line 24). In between interfaces 30a and 30b, the Furuta system locates and inspects the POH.

The sections of Furuta cited by the Examiner on overhead termination (Figures 12, 18-19 and column 4, lines 55-65) use arrows or the terms "extract" or "remove" to describe what happens to the overhead. In Furuta, the overhead is extracted and re-

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inserted, ***but extraction and reinsertion is not termination, because termination steps 2, 3, and 4 do not occur.***

If the extracted overhead were terminated in Furuta, then the extracted overhead would be processed to facilitate network operations, but Furuta does not teach such processing for the extracted overhead. If the extracted overhead were terminated in Furuta, then new overhead data would be generated and loaded into the SDH signal, but Furuta does not teach any generation and loading of new overhead data. Furuta appears to teach the extraction and re-insertion of the ***same, non-terminated*** overhead data. As a result, Furuta does not teach the transfer of terminated overhead data.

For the sake of argument, assume that Furuta ***inherently*** teaches overhead termination. If the overhead data were terminated in Furuta, then ***new*** overhead data would be loaded into the SDH signal in the conventional manner. The ***terminated*** overhead data would ***not*** be loaded into the SDH signal, and thus, terminated overhead would not be transferred as claimed. ***In either scenario, Furuta does not teach the transfer of terminated overhead data as claimed.***

Applicants note that the Examiner's Answer repeatedly places the word terminated in quotation marks ("terminated") when referring to Furuta, even though the word terminated does not appear in Furuta. Thus, the Examiner's Answer improperly quotes Furuta as using the term terminated.

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With all due respect, Appellant strongly objects to the tactics employed in the Examiner's Answer. The Examiner's Answer clearly misrepresents the claims. The Examiner's Answer also improperly attributes an important claim term to the prior art using quotation marks when the prior art does not use the term.

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